CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force		Discourt.	☐ U.S.
Caitlin Schwartz		Team # 3	201409418	✓ Abus	e 🗆	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precino	et: 18	Mo. SOL	EO SOL
Thursday, 08/15/2013 7:50 PM		24 Lockman Avenue; 1 stationhouse	21st Precinct	121	2/	/15/2015	2/15/2015
Date/Time CV Reported		CV Reported At:	How CV Reported:	Date/	Time Rece	eived at CCI	RB
Wed, 05/28/2014 3:29 PM		CCRB	In-person	Wed,	05/28/201	14 3:29 PM	
Complainant/Victim	Type	Home Addre	SS				
Subject Officer(s)	Shield	TaxID	Command				
1. POM Jonathan Glazer	01037	949035	121 PCT				
2. POM Leonid Shatkin	18486	947487	121 PCT				
3. An officer			121 PCT				
Officer(s)	Allegatio	on]	Investiga	ator Recon	nmendation
A.POM Jonathan Glazer		n front of 24 Lockman A Glazer searched the car ccupant.		and, PO			
B.POM Jonathan Glazer	Abuse: P property.	O Jonathan Glazer dama	aged § 87(2)(b)				
C. An officer		esy: At the 121st Precinc dely to § 87(2)(b)	et stationhouse, an o	fficer			
§ 87(2)(g), § 87(4-b)							

Case Summary

On May 28, 2014, upon being interviewed at the Civilian Complaint Review Board for CCRB case number \$87(2)(b) filed this additional complaint in person with the CCRB, about an incident that occurred nine and a half months earlier (encl. 3A-B). On August 15, 2013,
PO Jonathan Glazer of the 121st Precinct arrested \$87(2)(b) for a \$87(2)(b) for a \$87(2)(b) for a \$100 for a \$
• Allegation A—Abuse of Authority: In front of 24 Lockman Avenue in Staten Island, PO Jonathan Glazer searched the car in which 887(2)(6) was an occupant.
• <u>A llegation B—Abuse of Authority: PO Joanthan Glazer damaged</u> § 87(2)(b) property.
§ 87(2)(g)
• Allegation B—Discourtesy: At the 121 st Precinct stationhouse, an officer spoke rudely to \$87(2)(b) \$87(2)(g)
• § 87(2)(g), § 87(4-b)
arrest on the incident date made this case unsuitable for the CCRB mediation program.
Results of Investigation
<u>Civilian Statement</u>
Complainant/Victim: \$87(2)(b) a black man, 5'7", 150 pounds with black hair and eyes. \$87(2)(b) is self-employed in construction.
CCRB Testimony On May 28, 2014, \$87(2)(b) was interviewed at the CCRB (encl. 4A-E). On November 25, 2014, he was subsequently interviewed to address follow-up questions regarding this incident (encl. 4F-H). His CCRB statements are summarized below. \$87(2)(b) did not recall the date of this incident, but the investigation determined it to be

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August 15, 2013. He was pulled over in front of 24 Lockman Avenue in Staten Island for having a broken taillight on his black 2006 Porsche truck. The officers that pulled him over, determined by the investigation to be PO Jonathan Glazer and PO Leonid Shatkin of the 121st Precinct, were

in a marked van. PO Glazer drove. §87(2)(b) was alone in his car at the time. He had a bottle of pills, which he described to be Tylenol, in his car. It was located in the center console, by the stick shift. also had a bottle of pills in his car, located in the center console, by the stick shift. 887(2)(b) believed that the bottle had a label on it, but a little piece of the label was ripped off. He believed that the pills were a high dose of Tylenol pills. He later said that he did not really know what kind of pills they were, but knew they were for his back. He denied that the pills were narcotic because he did not think he was charged with it. § 67(2)(5) believed that the pills were prescribed to a friend, whose name was on the bottle. S87(2)(b) said that his friend's name was but he did not know her last name. As soon as the officers pulled him over, PO Glazer approached the driver's window, and asked for license and registration. § 87(2)(b) immediately told PO Glazer that his license was suspended because he did not pay a ticket. During his CCRB interview, \$87(2)(b) acknowledged that he believed his license had been suspended for about a month or two prior to the incident. PO Glazer told him that it was no problem, and to give him his identification. §87(2)(6) such, and PO Glazer returned to his vehicle for about two minutes. When he returned to \$87(2)(b) vehicle, he told \$87(2)(b) to step out, and then brought him to the back of \$87(2)(b) car. PO Glazer then searched \$87(2)(b) He instructed \$87(2)(b) to put his hands up on the vehicle. PO Glazer then frisked \$87(2)(b) entire body and legs, front and back. He also frisked waistband and grabbed § 87(2)(b) pants and underwear and pulled them up. He did not reach inside \$87(2)(b) pants, but grabbed his crotch from outside his pants. He removed the contents of \$87(2)(b) pockets, and then returned them. believed that these possessions probably amounted to his cell phone and some change. PO Shatkin performed a second search on \$37(2) in the same way that PO Glazer had previously searched him, including grabbing his crotch. PO Glazer then searched \$87(2)(b) car. PO Glazer did not inform \$87(2)(b) was going to search the car before doing so. §87(2)(b) did not know why he had been pulled over, and only found out about the broken taillight later when he was at the stationhouse. PO Glazer opened all four doors to \$87(2)(b) vehicle. He entered the vehicle through the driver's and passenger's side doors. When asked whether PO Glazer put his whole body inside the vehicle, \$87(2)(b) said that the officers had him turned around, but he glanced backward when he could, and saw PO Glazer with at least half of his body inside the vehicle. [887(2)(6)] was turned around because PO Shatkin had told him to do so. § 87(2)(6) asked PO Shatkin why he could not watch PO Glazer search his car, but PO Shatkin did not respond. \$37(2)(b) believed that the bottle had a label on it, but a little piece of the label was ripped off. He believed that the pills were a high dose of Tylenol pills. He later said that he did not really know what it was, but knew it was for his back. He denied that it was a narcotic because he did not think he was charged with it, \$87(2)(5) believed that the pills were prescribed to a friend, whose name was on the bottle. \$87(2)(b) said that his friend's name was \$87(2)(b) but he did not know her last name. told PO Glazer that the pills belonged to a friend of his, and she had left them in the vehicle. When he was interviewed on May 28, 2014, §67(2)(b) said that PO Glazer looked in the did not totally recall what he had in the trunk at the trunk, and moved stuff around. § 87(2)(b) time of the incident. He guessed that he probably had a basketball, gym clothes, baseball glove and bat. He believed he probably had some clothes in the main section of his car as well. When he was later interviewed on November 25, 2014, \$87(2)(b) denied that PO Glazer looked in the trunk.

denied that he had anything illegal in his car at the time of the incident. He denied that he detected any odor of marijuana in the air during the incident, or that the officers said anything about marijuana. saw his friend—whose name he did not know at the time of his CCRB interview—standing nearby, and asked the officers to leave the vehicle with his friend. The officers denied this request. was brought to the stationhouse, and placed in a cell. He believed that there were three or four cells in the cell area. From his cell, he could see the arrest processing area, and part of the front desk. He saw PO Glazer and PO Shatkin talking to an officer, who believed was a detective. He described this officer as possibly being Hispanic, in his early forties, 5'6", with a medium build and black hair; and wore street clothes and glasses. This officer was not identified by the investigation. §87(2)(b) stood up on a bench to get the officers' attention, and the detective told him, "What you doing standing on my bench? Get the fuck off my bench." told the detective that if he wanted to be like that, let him out of the cell. The detective brought \$87(2)(b) to a smaller room, where he questioned \$87(2)(b) while PO Glazer stood by. The detective told §87(2)(b) that they had reports that he was "out there selling pills." During his CCRB interview, \$87(2)(b) said that he was very angry at this point, but kept his cool in front of the officers because there was not really anything he could do. §87(2)(b) denied that he sold drugs or pills, and argued with the detective on this point. The argument became heated, and the detective told §87(2)(b) "Fuck it then; I'm gonna tear your truck up." told the detective to go ahead, and asked to be returned to his cell. PO Shatkin later visited § 87(2)(b) in his cell, and told him to call his brother or someone to pick the truck up. Afterward, § 87(2)(b) did so, and his brother did as he asked. A friend later told § 87(2)(b) that he had seen officers driving his truck around the neighborhood on the day that § 87(2)(b) was arrested. § 87(2)(b) later found that things had been moved around in his truck. § 87(2)(b) had taken photographs of the damage to the truck, which she would ethat his wife, § 87(2)(b) mail to the investigator. The investigator told \$87(2)(b) to have \$87(2)(b) include a description of

the subject of the photograph, the photographer and when the photograph was taken.

On November 28, 2014, *** e-mailed the investigator various photographs entitled "car damages by police," but did not provide further details regarding these photographs (encl. 6A-C).

Photo Viewing

On November 25, 2014, [87(2)(5)] was shown single photographs of PO Daniel Golat, Sgt. Robert Riviello, PO Shatkin, PO Glazer, PO Omar Elsayed, and PO Vincent Setteducato, all of the 121st Precinct. [87(2)(5)] identified PO Glazer as the officer who searched his vehicle on the incident date, and PO Shatkin as PO Glazer's partner (encl. 5A-F).

NYPD Statements:

Subject Officer: PO JONATHAN GLAZER

- \$87(2)(b) old on the incident date, PO Glazer is a white man, 5'11", 180 pounds, with brown hair and eyes.
- PO Glazer worked from 6:30 p.m. on August 15, 2013, until 3:05 a.m. on August 16, 2013. His assignment was Special Operations Condition Unit. PO Glazer worked with PO Shatkin. He was in uniform, and assigned to marked RMP 8834.

Memo Book

Page 4 CCRB Case # 201409418 PO Glazer noted in his memo book that at 7:45 p.m., he made one arrest for \$87(2)(b)

At 8 p.m., he arrived at the stationhouse. \$33.75 was returned to the perpetrator. PO Glazer then completed the rest of the arrest paperwork (encl. 7A-C).

CCRB Testimony

On December 10, 2014, PO Jonathan Glazer was interviewed at the CCRB (encl. 7D-F). On August 13, 2013, at approximately 7:45 p.m., PO Glazer stopped \$87(2)(b) vehicle in front of 24 Lockman Avenue after \$87(2)(b) did not signal when he turned south from Richmond Terrace to Lockman Avenue. PO Glazer drove directly behind \$87(2)(b) and did not lose sight of his vehicle. PO Glazer did not recall how \$87(2)(b) identification was provided once he was stopped. PO Glazer did not recall whether he checked \$87(2)(b) license over the radio or on the computer, but DMV records revealed that it was suspended. At this point, \$37(2)(b) was under arrest.

PO Glazer did not recall whether he or PO Shatkin asked \$87(2)(b) to exit the vehicle.

\$87(2)(b) was searched incident to arrest. PO Glazer denied that he searched the crotch of \$37(2)(b) pants. He said that he frisked \$87(2)(b) to ensure that he was not concealing any weapon in his crotch area, but did not reach into the crotch area of his pants. PO Glazer denied having any particular suspicion that \$87(2)(b) had any drugs on his person.

PO Glazer conducted a search of \$87(2)(b) vehicle. When asked where in \$87(2)(b) vehicle he searched, PO Glazer said, "The reachable/lungible area—underneath the front seat anywhere where he's sitting where he can reach and put a weapon, or anything dangerous to me and my other officers." PO Glazer also searched the center console, under the passenger's seat and dashboard, and the cracks in between the seats. PO Glazer did not recall searching the back seats. He thought he might have looked behind the front seats; and confirmed that he was sure he did a "thorough search." PO Glazer confirmed that his body was inside \$\frac{8}{37(2)}\text{(2)} Glazer did not recall many specifics in general about the vehicle search, but it was commonplace to enter vehicles through the driver's side. When asked why he searched \$87(2)(5) vehicle, PO Glazer explained, "Once a person's under arrest, we always search the reachable/lungible area, to make sure that there's no contraband that they've stashed, or any weapons that they can harm us with. I know I'm not allowed to go in any locked boxes, any trunks, anything like that without a search warrant, but I am entitled to search the reachable/lungible areas." When asked whether he had any reason to believe that \$37(2)(b) had a weapon, PO Glazer answered, "I don't believe that anybody has a weapon—I believe everybody has a weapon until I make sure that they don't have a weapon." When asked whether \$87(2)(b) had done anything inside the car that indicated that he was concealing a weapon, PO Glazer said, "I never take chances," and reiterated that he would conduct such a vehicle search any time he arrested anyone, and any time an officer was going to get into a vehicle. PO Glazer did not recall whether \(\frac{897(2)(5)}{2} \) made any movement in the vehicle while PO Glazer spoke to him.

During the vehicle search, PO Glazer recovered narcotic prescription pills for tramadol, which he believed was an anti-anxiety medication, schedule 3. PO Glazer did not remember where specifically these pills were in the vehicle. The bottle had a label on it, which indicated that the medicine was prescribed to someone else. PO Glazer did not recall this individual's name, but that it was a female. PO Glazer asked 67(2)(6) to whom the pills belonged, and he believed that replied that they belonged to his girlfriend. PO Glazer said that those pills are not categorically illegal, but it is illegal to have pills that have been prescribed to someone else, especially if it is a controlled substance. PO Glazer did not believe that anything else was recovered from 67(2)(6) vehicle. PO Glazer did not recall searching the trunk of 687(2)(6) vehicle. PO Glazer did not recall whether he detected any odor of marijuana in the vicinity. PO

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Shatkin did not search the vehicle, but waited with \$87(2)(b) while PO Glazer searched it. PO Glazer did not conduct any later search of \$87(2)(b) vehicle. PO Glazer did not recall lifting up the rug on the floor of \$87(2)(b) vehicle

One of the officers legally parked \$87(2)(b) vehicle on the block, and took \$87(2)(b) to the stationhouse to process his arrest. Nothing remarkable happened at the stationhouse, and \$87(2)(b) was compliant.

It was explained to PO Glazer that satisfactors and a plainclothes officer at the stationhouse. PO Glazer said that he did not recall anything similar to that, but in general, suspects are sometimes debriefed in the stationhouse. Upon being asked whether detectives from the 121st Precinct squad ever debriefed these defendants, PO Glazer confirmed that they did. It was explained to PO Glazer that said that he stood on a bench to try to get the officers' attention, but PO Glazer did not recall said that he stood on a doing any such thing. PO Glazer did not hear any officer tell said to the fuck off my bench." PO Glazer did not hear any officer use any profanity toward said that he stationhouse.

PO Glazer confirmed that this incident was the first time he met \$37(2)(b) PO Glazer said that this incident represented a regular arrest, and not a case that was being investigated by any particular detective. During the year following this incident, \$37(2)(b) had several additional interactions with PO Glazer and other officers from the 121st Precinct, including an arrest by PO Glazer on \$37(2)(b)

Witness Officer: PO LEONID SHATKIN

- §87(2)(6) old on the incident date, PO Shatkin is a white man, 6', 210 pounds with brown hair and eyes.
- PO Shatkin's tour began at 6:35 p.m. on August 15, 2013, and concluded at 3:05 a.m. on August 16, 2013. He was assigned to Conditions Auto. PO Shatkin did not indicate his partner in his memo book, so he was not sure with whom he worked on that date because he would regularly switch partners among those on his team. PO Shatkin was in uniform, and assigned to a motor vehicle, but he did not know whether it was marked or unmarked, as he regularly uses either when assigned to Conditions.

Memo Book

PO Shatkin did not have any entry in his memo book regarding this incident. He indicated in his memo book that at 1:15 a.m., he stopped a man at 164 Brabant Street for a furtive movement. PO Shatkin made no other memo book entries during his tour that day (encl. 8A-B).

CCRB Testimony

On December 9, 2014, PO Shatkin was interviewed at the CCRB (encl. 8C-D).

PO Shatkin did not recall this incident. However, PO Shatkin confirmed that he was familiar with \$87(2)(6) He was provided with basics details of this incident, and denied being familiar with such. PO Shatkin was informed that \$87(2)(6) alleged that PO Glazer searched his vehicle. PO Shatkin did not know whether PO Glazer had done so. PO Shatkin then said that he did not believe that he was present for this incident. When asked whether he had any reason to believe that he was not there—for example, any indication that he was somewhere else at the time of the incident—he said that he believed as much because he had not indicated anything in his memo book regarding this incident.

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PO Shatkin was informed that a bottle of pills prescribed to someone else was recovered from vehicle, and PO Shatkin did not remember anything like that happening. PO Shatkin later remarked that he remembered seeing in the stationhouse on August 15, 2013. PO Shatkin saw 37(2)(5) tattoo on his head, and asked another officer who he was, and the other officer told him that it was 37(2)(5) PO Shatkin then approached 37(2)(5) and asked him the significance of the tattoo. 37(2)(5) replied that it was for his grandmother. PO Shatkin had no other conversation with 37(2)(5) was debriefed at the stationhouse. He did not recall whether he saw any plainclothes officers in the cell area. PO Shatkin recalled that 37(2)(5) was crying. PO Shatkin thought that 37(2)(5) was crying because of something that happened with his friend. No one said anything to PO Shatkin about why 37(2)(5) was crying PO Shatkin then said that when he spoke to 37(2)(5) about the tattoo, 37(2)(5) had been arrested, and he was told that it was for suspended license. PO Shatkin was not told anything about the pills for which 37(2)(5) was arrested. PO Shatkin did not see any detectives in the cell area. He did not hear any officer tell 37(2)(5) "Get the fuck off my bench," or use any profanity toward him.
NVDD Decuments
NYPD Documents
Command Log The Command Log notes \$87(2)(6) arrest by PO Glazer, but does not indicate whether was debriefed in the stationhouse (encl. 9G).
Arrest for Incident and Disposition
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
Status of Civil Duagoodings
 Status of Civil Proceedings On December 11, 2014, an inquiry was sent to the New York City Office of the Comptroller to determine whether street has filed a notice of claim regarding this incident. The results will be included in the case file upon their receipt.
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[3 01/2/(0)] [38 00(1)(0)(4)] [8 01/2/(0)]
Civilian's CCRB History
● § 87(2)(b)
Subject Officers' CCRB History
• PO Glazer has been a member of the service for four years and there are no substantiated

- PO Glazer has been a member of the service for four years and there are no substantiated CCRB allegations against him (encl. 2A-B).
- PO Shatkin has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. 2C-D).

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Conclusion

Identification of Subject Officers PO Glazer acknowledged his role in the incident and search of \$87(2)(5) vehicle. \$87(2)(5) alleged that damage was caused to his vehicle when it was searched. \$87(2)(9)
The investigation could not identify the officer that \$87(2)(b) alleged spoke rudely to him at the 121st Precinct stationhouse.
Investigative Findings and Recommendations
Allegations Not Pleaded 887(2)(9) PO Glazer observed 887(2)(5) signal upon making a turn, and immediately determined 1 license to be suspended upon running it, prompting his arrest. 887(2)(5) also seemingly confirmed to have a broken taillight, for which he also could have been stopped.
Allegation A—Abuse of Authority: In front of 24 Lockman Avenue in Staten Island, PO Jonathan Glazer searched vehicle. It is undisputed that PO Glazer searched sar(2)(b) vehicle. After sar(2)(b) was placed under arrest for a suspended license, PO Glazer searched what he testified was the "reachable/lungible area" of the vehicle, including on and underneath the front seats, the center console, and the dashboard. PO Glazer explained that he searched sar(2)(b) vehicle because he does so any time he places a motorist under arrest to ensure that there are no weapons concealed anywhere in the vehicle. PO Glazer did not articulate any particular reason he suspected sax(2)(b) of having a weapon in his vehicle, but rather said that he had to operate under the assumption that anyone could have a weapon. PO Glazer did not recall whether sax(2)(b) made any movement in the vehicle during their conversation, or whether he detected any odor of marijuana in the vicinity. PO Glazer searched sax(2)(b) vehicle when he was under arrest for having a suspended license, and only recovered the bottle of pills during the search. An officer may conduct a limited search of a vehicle when there is a substantial likelihood of a weapon being present in the vehicle, thereby posing an articulable and specific threat to the officer's safety, or if there is probable cause to believe that the vehicle contains contraband or evidence of a crime. An automobile search incident to a recent occupant's arrest is permissible if the arrestee remains within reaching distance of the vehicle, or the officer reasonably believes that he vehicle contains evidence related to the crime of arrest. People v. Newman, 96 AD2d (1st Dept. 2012). People v. Baez, 24A.D.3d 112 (1st Dept. 2005) (encl. X).

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§ 87(2)(g)
3 0. (2)(3)
Allegation B—Abuse of Authority: PO Jonathan Glazer damaged §87(2)(b)
property.
alleged that when PO Glazer searched his vehicle, PO Glazer moved his possessions around and caused damage to the vehicle. On November 28, 2014, \$87(2)(6) wife, e-mailed the investigator various photographs entitled "car damages by police," but did not provide further details regarding said photographs. PO Glazer did not recall lifting up the rug from the floor of \$87(2)(6) vehicle. He denied conducting any subsequent search of the vehicle after leaving the scene of the incident. \$87(2)(6) did not specifically describe the damage that he believed PO Glazer caused to his vehicle while searing hit. No accompanying explanation was given with the photographs provided to the investigation to definitively conclude their relationship to the incident. PO Glazer's search of the vehicle was not extensive or protracted enough to easily cause any long term damage. Additionally, \$87(2)(6) vehicle was not taken into custody upon his arrest, \$87(2)(9)
Allegation C—At the 121st Precinct stationhouse, an officer spoke rudely to \$87(2)(b)
Anegation C—At the 121 Treemet stationhouse, an officer spoke rudery to \$87(2)(6)
said that when he was in the cell at the stationhouse, he stood up on a bench in an effort to get the officers' attention. He alleged that when he did so, an officer in plainclothes, whom he believed to be a detective, told him, "Get the fuck off my bench." This officer and PO Glazer took \$87(2)(b) to another room and questioned him in regard to his allegedly selling drugs. After this discussion became argumentative, the officer told \$87(2)(b) "Fuck it, then—I'm gonna tear your truck up." PO Glazer explained that although suspects are often debriefed at the stationhouse, and confirmed that they are sometimes debriefed by members of the 121st Precinct Detective Squad, he neither recalled debriefing \$87(2)(b) on this incident date, nor saw any purpose in doing so as this was a first time arrest not warranting any further investigation. \$87(2)(g) had several additional interactions with PO Glazer and other officers from the 121st Precinct in the upcoming year following this incident, \$87(2)(g)
PO Shatkin, who did not recall \$87(2)(b) arrest on the incident datr, recalled interacting with him at the stationhouse, but not his being debriefed or the presence of any detectives in the cell area. Neither PO Glazer nor PO Shatkin heard any officer tell \$87(2)(b) "Get the fuck off my bench," or use any profanity toward him.

§ 87(4-b), § 87(2)(g)			
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